

ASSEMBLY BILL

No. 2419

Introduced by Assembly Member Campbell

February 19, 2004

An act to amend Section 1756 of the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2419, as introduced, Campbell. Public utilities: judicial review.

Existing law authorizes any aggrieved party to petition the court of appeal or the Supreme Court, within specified time limits, for a review of the lawfulness of the original order or decision or of the order or decision on rehearing of the Public Utilities Commission.

This bill would authorize any aggrieved party to petition the court of appeal or the Supreme Court, within the specified time limits, for a review of the lawfulness of the order or decision on rehearing.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1756 of the Public Utilities Code is
2 amended to read:
3 1756. (a) Within 30 days after the commission issues its
4 decision denying the application for a rehearing, or, if the
5 application was granted, then within 30 days after the commission
6 issues its decision on rehearing, or at least 120 days after the
7 application is granted if no decision on rehearing has been issued,

1 any aggrieved party may petition for a writ of review in the court
2 of appeal or the Supreme Court for the purpose of having the
3 lawfulness of the original order or decision or *the lawfulness* of the
4 order or decision on rehearing inquired into and determined. If the
5 writ issues, it shall be made returnable at a time and place specified
6 by court order and shall direct the commission to certify its record
7 in the case to the court within the time specified.

8 (b) The petition for review shall be served upon the executive
9 director of the commission either personally or by service at the
10 office of the commission.

11 (c) For purposes of this section, the issuance of a decision or the
12 granting of an application shall be construed to have occurred on
13 the date ~~when~~ the commission mails the decision or grant to the
14 parties to the action or proceeding.

15 (d) The venue of a petition filed in the court of appeal pursuant
16 to this section shall be in the judicial district in which the petitioner
17 resides. If the petitioner is a business, venue shall be in the judicial
18 district in which the petitioner has its principal place of business
19 in California.

20 (e) Any party may seek from the Supreme Court, pursuant to
21 California Rules of Court, an order transferring related actions to
22 a single appellate district.

23 (f) For purposes of this section, review of decisions pertaining
24 solely to water corporations shall only be by petition for writ of
25 review in the Supreme Court, except that review of complaint or
26 enforcement proceedings may be in the court of appeal or the
27 Supreme Court.

28 (g) No order or decision arising out of a commission
29 proceeding under Section 854 shall be reviewable in the court of
30 appeal pursuant to subdivision (a) if the application for
31 commission authority to complete the merger or acquisition was
32 filed on or before December 31, 1998, by two
33 telecommunications-related corporations including at least one
34 which provides local telecommunications service to over one
35 million California customers. These orders or decisions shall be
36 reviewed pursuant to the Public Utilities Code in existence on
37 December 31, 1998.

